


COUNTY OF YORK

MEMORANDUM

DATE: August 24, 2006 (BOS Mtg. 9/5/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. PD-17-06, Fourth Centrum of Virginia, Inc.

Issue

This application was tabled at the July 18, 2006 meeting, at the applicant's request, subsequent to the Board conducting and closing the public hearing. The applicant requested that the proposal be tabled to allow time to consider and address the issues and concerns raised by the Board subsequent to the public hearing.

The application seeks to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to PD (Planned Development) approximately 70.7 acres of a 133-acre parcel for the purpose of establishing a 63-acre independent living senior housing development with a 7.7-acre commercial center. The property, further identified as Assessor's Parcel No. 5-52, is located at 4300 Mooretown Road approximately 2,030' west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713).

Please refer to the agenda materials from the July 18th meeting for detailed discussion of the proposal.

Carry-over Issues

In consideration of the concerns raised by the Board at the July 18th meeting, the applicant has requested the following modifications to the proposed conditions of approval for the project (see proposed Ordinance No. 06-18R):

1. Age-Restrictions: The proposed project will be subject to the age-restrictions set forth in the County's definition of "senior housing." That definition currently requires at least one of the occupants of each unit to be 62 years old or older. In addition, the applicant has requested the addition of a supplementary clause in Condition No. 1 to stipulate that no person under the age of nineteen (19) could reside in the development. This additional clause is intended to preclude direct impacts on the school system.
2. Single-Family Detached and Duplex Setbacks: The Planned Development requirements set forth in Section 24.1-361 of the Zoning Ordinance specify that the minimum setback of any structure from a public or private street right-of-way shall be 30 feet, *unless specifically modified by the board (either upwards or downwards) at the time of final district approval.* In accordance with this provision, the applicant proposed a setback of twenty feet (20'), which would have

yielded a distance of about 26 feet from the back of the curb to the face of the single-family detached and duplex dwelling units. The applicant's desire for the lesser setback was to minimize yard upkeep for the residents and to create a more traditional, pedestrian-oriented neighborhood atmosphere that would promote interaction among residents. Discussion at the Board meeting indicated some support for this concept, provided that a functional front porch was incorporated into the design of each structure. The applicant has committed to incorporate this design feature into each unit and Condition No 2.h. has been modified to include a proposed porch requirement.

3. Single-Family Detached and Duplex Building Separation: Section 24.1-361 addresses building separation requirements in a similar manner, noting that a minimum separation of twenty feet (20') would apply *unless specifically modified by the board (either upwards or downwards) at the time of final district approval*. In accordance with this provision, the applicant's proposal requested authorization of a 15-foot separation standard, which was recommended by staff subject to supplementary fire protection standards. At the July 18th meeting, the Board expressed concern about allowing anything less than the 20-foot spacing that has now become standard in cluster subdivision developments. Accordingly, the applicant has agreed to adjust the project design and the 20-foot separation is reflected in the proposed changes in Condition No. 2.g.
4. Allowable Commercial Uses: The applicant's proffer statement excludes a number of uses that would otherwise be allowed in the EO-Economic Opportunity district. It is implied in this statement, but not explicitly written, that the EO uses not excluded would be permitted. Staff suggests that this be clarified in Condition No. 2.d. of the proposed ordinance. In addition, based on the Board's discussion, a clause has been added to specifically prohibit tattoo parlors, pawn shops and payday loan establishments (even though none of those uses is permitted in the EO District).
5. Development Sequencing: The applicant's proposed development, at build-out, would include 459 dwelling units and at least 34,400 square feet of commercial space. While the Board indicated general support for the project, there was also a clear expectation for the applicant to develop some proposal to ensure that not just the residential component is built. In consideration of the Board's discussion, the applicant has requested that a condition be included in the approving ordinance to require the following linkages between the residential and commercial construction sequences:
 - Prior to receiving a Building Permit for the 230th residential unit (50% of the 459 residential units), the applicant would be responsible for having at least 11,200 square feet of commercial space (33% of the overall total) constructed and completed to the point that it is ready for individual tenant fit-out and customization.

- Prior to receiving a Building Permit for the 367th residential unit (80% of the 459 residential units), the applicant would be responsible for having an additional 18,800 square feet of commercial space (i.e., at least 30,000 s.f. total) constructed and completed to the point that it is ready for individual tenant fit-out and customization.

These proposed requirements are reflected in Condition No. 7 of the proposed revised ordinance.

COUNTY ADMINISTRATOR RECOMMENDATION

I believe that the applicant has made thoughtful and appropriate adjustments to the proposal and it appears to staff that those adjustments address the concerns raised by the Board in its deliberations. I continue to believe the proposed development, as modified, is well designed, attractive, compatible with the surrounding area, and an appropriate use of the subject property. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions set forth in proposed Ordinance No. 06-18(R).

Carter/3337

Attachments

- Letter/e-mail from applicant's attorney
- Proposed Ordinance No. 06-18(R)